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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/773,955

01/31/2004

Hiu Hung Sean Shek

4750

7348

7590

04/14/2008

Mr. Eric Chan  
42 Pin Oaks Drive  
Phoenixville, PA 19460

EXAMINER

RUHL, DENNIS WILLIAM

ART UNIT

PAPER NUMBER

3689

MAIL DATE

DELIVERY MODE

04/14/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/773,955	<b>Applicant(s)</b> SEAN SHEK ET AL.	
	<b>Examiner</b> Dennis Ruhl	<b>Art Unit</b> 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

Applicant's amendment of 1/9/08 has been entered. Currently claims 1-3 remain pending. The examiner will address applicant's remarks at the end of this office action.

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For claim 1, there is no antecedent basis for "the exposed areas" and it is not clear as to what this is referring to. What exposed areas on the booth shape have been previously claimed? Also, what is meant by exposed areas that are "on" a booth shape? Shouldn't this be referring to the automatic vending machine that has a booth shape and not the booth shape itself?

For claims 2,3, with respect to the recitation of "it", what does this refer to? There are many different elements and systems claimed and it is not clear to which one the language "it" refers to.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Frey et al. (6369908).

For claim 1, Frey discloses an automatic multimedia recording and reproduction system that allows for self service recording of images and sound as claimed. The system is made up of a controlling and processing system 12 (CPU), a payment handling system 16, a data storage system 23, and sound and image recording system (microphone 15 and video camera 19), a power supply system 22, and has a speaker 18. The reproduction and output system is present in Frey because images are reproduced and output to a customer, this satisfies what is claimed. The separate isolated vending device for CDs is disclosed in column 3, lines 3-6. There are various types of media (format) that can be used, see column 3, line 31. The various systems that make up the automatic multimedia recording and reproduction system are connected to the controlling and processing system and payment handling system as claimed, as well as being connected to the power supply system as claimed. All of the systems are connected to each other to allow for integrated operation of the overall system. The system shown in figure 1 can be seen to have a "booth" shape as claimed. Column 2, lines 44-46 disclose that the camera 19 can be a video digital camera, a regular video camera, or a digital camera. The disclosure of a video digital camera and a regular video camera satisfy the portion of the claim that deals with moving images being recorded. The preamble language about the printing of photos from pre-recorded memory cards is noted, but there is no structure found in the body of the claim that is

not found in Frey; therefore this language (that is only found in the preamble of the claim) is not associated with any further structure in the body of the claim.

For claim 2, Frey discloses in column 6, lines 9-21 that different forms of payment are accepted, such as credit cards, debit cards, and bills (cash). The payment handling system (assumed to be the claimed "it") of Frey is fully capable of being adapted to accept new forms of electronic payments by changing the programming of the CPU. Frey is inherently able to be modified as claimed. All one has to do is change the programming of the CPU to allow for a new mode of payment to be accepted and provide the appropriate structure to the device.

For claim 3, the system of Frey can be adapted as claimed. As stated with respect to claim 2, all one has to do is change the programming of the CPU to allow for a new means of data recording and provide the appropriate structure to the device. The automatic multimedia recording and reproduction system (assumed to be the claimed "it") of Frey is fully capable of being adapted to apply new means of data recording and reproduction by changing the programming of the CPU.

5. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 571-272-6808. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3689

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dennis Ruhl/  
Primary Examiner, Art Unit 3689